IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl.Misc.No.4462-M of 2007

DATE OF DECISION: MARCH 16, 2007

Narpat Singh

...PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. G.S.Hooda, Advocate,
for the petitioner.
Mr.S.S.Mor, Sr.DAG,Haryana.
Mr.B.R.Gupta, Advocate,
for the complainant.

...

Petitioner Narpat Singh apprehending his arrest in a non-bailable offence in case FIR No.121 dated 24.8.2006 registered under Sections 420/467/468/471/199/200/166/120-B IPC at Police Station Kosli, District Rewari, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on January 25, 2007, the arrest of the petitioner was stayed subject to his joining the investigation.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that pertaining to an agreement dated 9.2.1994, a suit for specific performance was filed by the complainant and the said suit was decreed on 24.9.2006. Now in the aforesaid FIR, it has been alleged that after 5 days of the said decree, the petitioner has sold the land to his co-accused vide registered sale deed no.35/2006. Counsel contends that against the judgment and decree of the specific performance, a Regular Second Appeal filed by the petitioner is pending in this Court. Even though, Regular Second Appeal filed by the petitioner is dismissed, in spite of that, as far as the complainant is concerned, who is the decree holder, he can execute the decree.

Counsel for the petitioner contends that in terms of the interim order dated January 25, 2007, the petitioner has joined the investigation. This fact has not been disputed by the State counsel and he further states that the petitioner is no more required for further investigation.

In view of the above, the interim order dated January 25, 2007 is made absolute.

Disposed of accordingly.

March 16, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE